



April 11, 2003

Via Electronic Filing

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: **EX PARTE**
ET Docket No. 95-18; IB Docket 01-185

Dear Ms. Dortch:

On April 8, on behalf of ICO Global Communications (Holdings) Limited ("ICO"), Gerry Salemme, Suzanne Hutchings and Cheryl Tritt, counsel to ICO, met with Bryan Tramont, Senior Legal Advisor to Chairman Michael Powell.

ICO addressed the March 6, 2003 ex parte filing by AT&T Wireless Services, Inc., Cingular Wireless LLC, and Verizon Wireless ("the Carriers"). ICO pointed out that the Commission's Order in the Mobile Satellite Service (MSS) Flexibility proceeding¹ expressly contemplates that licensing, construction and testing activities for an ancillary terrestrial component (ATC) can occur prior to commencement of mobile satellite service operations.² ICO also acknowledged that under the ATC Order, ATC services cannot be offered commercially before or until the licensee's MSS system is commercially operating and the gating criteria met.³

ICO emphasized that the ATC Order specifically supports ICO's view and urged the Commission not to reconsider or clarify *sua sponte* its decision in a way that would prohibit MSS licensees' ability to obtain ATC authorization prior to commencement of MSS.

¹ *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, Report and Order and Notice of Proposed Rulemaking, FCC 03-15 (Feb. 10, 2003) ("ATC Order").

² See *ATC Order*, ¶¶ 3, 250, App. B (adopting 47 C.F.R. § 25.143(i), (j)).

³ See *ATC Order*, ¶¶ 3, 85, 250.

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Should the Commission decide to issue a *sua sponte* order, however, ICO emphasizes that to ensure commencement of integrated MSS and ATC service at the earliest possible date, any Commission order must permit MSS licensees to seek, at any time prior to commencement of their satellite operations, approval of ATC proposals. Consistent with the procedure set forth in paragraph 245 of the ATC Order, the proposal could be considered in conjunction with an earth station application. Proposals would include detailed specifications for an MSS licensee's intended ATC operations and architecture, as well as supporting documentation showing that ATC will be integrated into the MSS licensee's satellite operations, in compliance with the gating criteria set forth in the ATC Order. Following submission of the proposal, the FCC could consider and act upon non-routine information, such as integrated service showings for ATC proposals that will not rely on the Commission's safe harbor provision.

Permitting early filings of such non-routine information is consistent with the Commission's encouragement that MSS operators submit "integrated service showings as early as possible to allow full evaluation without compromising the timing of ATC deployment." See ATC Order ¶ 88. FCC approval of an integrated service showing will not, of course, authorize an MSS licensee to offer commercial ATC until the licensee certifies that all gating criteria set forth in the ATC Order have been met.

In accordance with section 1.1206(b) of the Commission's rules, I am submitting an electronic copy of this letter.

Very truly yours,

/s/ Suzanne Hutchings

Suzanne Hutchings

ICO Global Communications (Holdings) Ltd.

cc: Bryan Tramont